

REMARKS

The Notice of Non-Compliant amendment appears to have concluded that the January 11, 2007 amendment did not “present arguments pointing out the specific distinctions believed to render the claims patentable”. This response further presents arguments pointing out the specific distinctions believed to render the claims patentable.

Claims 111-120 are pending in the application. Claims 112-120 are new. Claims 1-110 have been canceled. Reconsideration of the present application, in view of the above amendments and the following remarks, is respectfully requested.

Support for the new claims is as follows:

Support for claim 112 is found at page 3, line 14 of the as-filed application; Support for claim 113 is found at page 9, line 8 of the as-filed application; Support for claim 114 is found at page 3, line 14 and page 9, line 18 of the as-filed application; Support for claim 115 is found at page 10, lines 24-25 of the as-filed application; Support for claim 116 is found at page 9, line 20 of the as-filed application; Support for claim 117 is found at page 17, line 31 of the as-filed application; Support for claim 118 is found at page 18, line 3 of the as-filed application; Support for claim 119 is found in page 45, line 29; and Support for claims 120 is found in page 45, line 27 of the as-filed application.

Claims 1-110 have been canceled without prejudice. Applicants reserve the right to re-file the claims in a continuation application.

Claims 1-111 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-73 of copending Application 10/881,497.

Applicants will submit a terminal disclaimer when necessary. Moreover, Applicants note that the presently claimed invention, an infusion set, does not appear to

conflict with the claims of copending Application 10/881,497, which are directed to a hydrocephalus shunt.

Claims 1-5, 7-19, 21-22, 46-78, 83-111 stand rejected under 35 USC 102 as being anticipated by US Published Patent Application 2003/0125679 (“Kubota”).

With respect to claim 111, Applicants submit that Kubota does not disclose, teach or even suggest an infusion set having a needle housing or a mounting pad, as is required by claim 111.

An infusion set is a particularized product used by diabetes patients for the chronic infusion of insulin. It basically provides a permanent portal to the patient's intravenous system so as to avoid the necessity of daily puncturing the patient's skin and veins. The infusion set includes not only a cannula, but also a mounting pad for permanently fixing the position of the cannula upon the user, and a needle housing that accepts the distal end of a needle in order to fluidly connect that needle to the cannula. Fig. 42A of the present application discloses a representative infusion set of the present invention.

Kubota is essentially a materials-directed disclosure that seeks to improve the flexibility of a titania-coated tube by providing microcracks on the tube. Kubota discloses only “various tubes for medical care, which are used directly for medical treatment, etc. (for example, a catheter to be inserted into or placed in a human body, or an endoscope) [0003]... such a tube for medical care according to the present invention can be applied broadly to a catheter, an endoscope and other tubes for medical care, and is remarkably useful in the medical field [0080]”. Kubota does not describe particular applications of its tube in any greater detail than those passages provided directly above. The device-related disclosure of Kubota is restricted to that of a coated tube and no more.

Accordingly, Kubota does not disclose a device having a needle housing or a mounting pad in addition to its coated tube. Thus, the anticipation rejection of claim 111 should be withdrawn.

With respect to claims 1-5, 7-19, 21-22, 46-78, 83-111, these claims have been canceled. Thus, the rejection should be withdrawn as moot.

In addition, Kubota does not disclose a doped titania, which is required by new claims 114-118.

Claims 6,20,23-45,79-82 stand rejected under 35 USC 103 as being obvious over Kubota in view of US Patent No. 5,779912 (Gongalez-Martin).

Each of these claims has been canceled. Thus, the rejection should be withdrawn as moot.

With respect to inventorship, Applicants believe that Messrs. Serhan, Malone, and Beardsley are no longer inventors of the presently claimed invention.

In addition, please provide any additional extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 10-0750, but do not include any payment of issue fees.

Should there be any remaining or further questions, the Examiner is requested to place contact the undersigned directly.

Respectfully submitted,

/Eugene L. Szczecina, Jr./

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